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9 Attorneys for North Star Trust Company

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13
 14 THOMAS FERNANDEZ, LORA SMITH,
 15 and TOSHA THOMAS

16 Plaintiffs,

17 vs.

18 K-M INDUSTRIES HOLDING CO., INC.;
 19 K-M INDUSTRIES HOLDING CO., INC.
 20 ESOP PLAN COMMITTEE; WILLIAM
 21 E. AND DESIREE B. MOORE
 22 REVOCABLE TRUST; TRUSTEES OF
 23 THE WILLIAM E. AND DESIREE B.
 24 MOORE REVOCABLE TRUST;
 25 ADMINISTRATOR OF THE ESTATE OF
 26 WILLIAM E. MOORE, DECEASED; CIG
 27 ESOP PLAN COMMITTEE; and NORTH
 28 STAR TRUST COMPANY,

Defendants.

Case No. C06-07339 CW

**DEFENDANT NORTH STAR TRUST
 COMPANY'S AMENDED
 ADMINISTRATIVE MOTION FOR AN
 ORDER TO FILE DOCUMENTS UNDER
 SEAL RELATED TO NORTH STAR
 TRUST COMPANY'S MOTION FOR
 SUMMARY JUDGMENT RE STATUTE
 OF LIMITATIONS**

1 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT pursuant to Local Rules 7-11 and 79-5 of the Northern
 3 District of California, North Star Trust Company, by and through its undersigned counsel of
 4 record, hereby moves for an administrative order to file certain documents and portions of
 5 documents under seal.

6 The parties stipulated to, and the Court entered, a Protective Order on March 16, 2007.
 7 Docket No. 29 (“Protective Order”). Under the terms of the Protective Order, a party may
 8 designate documents or testimony as “confidential” or “highly confidential – attorneys’ eyes
 9 only.” In the North Star’s memorandum supporting its Motion for Summary Judgment re Statute
 10 of Limitations, North Star relies upon the documents and testimony so designated, the particulars
 11 of which are identified in the accompanying Declaration of Nicole A. Diller in Support of North
 12 Star’s **AMENDED** Administrative Motion for an Order to File Documents Under Seal. Pursuant
 13 to the Protective Order, a party seeking to file confidentially–designated documents or
 14 information must comply with Local Rule 79-5 to seek the sealing of the documents. For the
 15 reasons stated above, North Star requests the documents referenced in the accompanying
 16 Declaration of Nicole A. Diller be sealed.

17 Dated: June 26, 2008

18 Respectfully submitted,

19 MORGAN, LEWIS & BOCKIUS LLP

20
 21 /S/ Nicole A. Diller
 22 Nicole A. Diller
 23 Donald P. Sullivan
 24 Andrew C. Sullivan

25 Attorneys for Defendant North Star Trust
 26 Company

27
 28 1-SF/7720211.2

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 28 STAR TRUST COMPANY,

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Case No. C06-07339 CW

**DECLARATION OF NICOLE A. DILLER
 IN SUPPORT OF DEFENDANT NORTH
 STAR TRUST COMPANY'S AMENDED
 ADMINISTRATIVE MOTION FOR AN
 ORDER TO FILE DOCUMENTS UNDER
 SEAL**

1 I, Nicole A. Diller, declare and state as follows:

2 1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP ("Morgan
 3 Lewis"), attorneys of record for Defendant North Star Trust Company. I am licensed to practice
 4 law in the State of California and have been admitted to practice in the Northern District of
 5 California. Except as otherwise indicated, I have direct and personal knowledge of the facts set
 6 forth in this Declaration and, if called and sworn as a witness, I would competently testify to these
 7 facts.

8 2. I make this declaration under Local Rules 7-11 and 79-5 in support of Defendant's
 9 **AMENDED** Motion for an Administrative Order to File Documents under Seal Related to
 10 Defendant's Motion For Summary Judgment Re Statute of Limitations.

11 3. The parties in this action stipulated to a Protective Order, which this Court
 12 approved on March, 16, 2007. *See* Docket No. 29 ("Protective Order"). Under the Protective
 13 Order, a party may designate documents or testimony as "confidential" or "highly confidential –
 14 attorneys' eyes only," and documents or testimony so designated must be filed under seal.

15 4. Morgan Lewis' records reflect that the following documents or portions of
 16 documents were designated as "confidential" or "highly confidential – attorneys' eyes only"
 17 under to the Protective Order:

18 a. Exhibits 7, 20, 21, 22, 23, 41, 42, 44, 46, 52, 55, 57, 59, 60, 61, 71, and 73
 19 to the Declaration of Nicole Diller in Support of Defendant North Star Trust Company's Motion
 20 for Summary Judgment re Statute of Limitations ("Diller Declaration");

21 b. That portion of the transcript of the deposition of John Hommel attached as
 22 Exhibit 66 to the Diller Declaration;

23 5. In addition, under the terms of the Protective Order, the portions of North Star's
 24 memorandum supporting its Motion for Summary Judgment re Statute of Limitations that relate
 25 to the documents referenced in subparagraphs (a) and (b) above must also be filed under seal.

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1 6. I have met and conferred with Plaintiffs' counsel, who has no objection to this
2 motion to file documents under seal.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

5 Executed this 30th day of June 2008 at San Francisco, California.

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/S/ Nicole A. Diller

Nicole A. Diller

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27 Case No. C06-07339 CW

28 **[PROPOSED] ORDER GRANTING
DEFENDANT NORTH STAR TRUST
COMPANY'S AMENDED
ADMINISTRATIVE MOTION FOR AN
ORDER TO FILE DOCUMENTS UNDER
SEAL RELATED TO NORTH STAR
TRUST COMPANY'S MOTION FOR
SUMMARY JUDGMENT**

1 Having reviewed Defendant North Star Trust Company's ("Defendant") Administrative
2 Motion for an Order to File Documents Under Seal Related to North Star Trust Company's
3 Motion for Summary Judgment re Statute of Limitations, the Declaration of Nicole Diller in
4 Support of Defendant's Motion, and the papers submitted by Defendant, Defendant's Motion is
5 hereby GRANTED, and the Court orders the following documents sealed:

6 1. Exhibits 7, 20, 21, 22, 23, 41, 42, 44, 46, 52, 55, 57, 59, 60, 61, 71, and 73 to the
7 Declaration of Nicole Diller in Support of Defendant North Star Trust Company's Motion for
8 Summary Judgment re Statute of Limitations ("Diller Declaration");

9 2. That portion of the transcript of the deposition of John Hommel attached as
10 Exhibit 66 to the Diller Declaration;

11 3. The portions of North Star's memorandum supporting its Motion for Summary
12 Judgment re Statute of Limitations that relate to or reference the documents referenced in
13 subparagraphs (a) and (b) above.

14

15 **IT IS SO ORDERED.**

16 Dated: _____

17 _____
18 The Honorable Claudia Wilken
19 United States District Judge

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